### California Executive Branch Geospatial Data Distribution Policy

#### Introduction

Government agencies use public funds to collect and maintain data including location based or spatial data (geodata) in pursuit of their missions. The value of this important investment is often best realized by the widespread distribution and use of government held data. Furthermore, public access to these data is key to a democratic process and open government. There are both state and federal regulations requiring government agencies to disclose data and information to the public. A well-informed public is also critical to the proper conservation of natural resources and to minimize potential loss and risks from hazards like flood, fire, land slides and earthquakes.

Thus it is the policy of the Governor that Executive Branch Departments, Offices, Boards, Commissions and Conservancies make their location based or GIS data available to partners, stakeholders and the general public. The sharing of these data must be done in consideration of each organization's capacity to do so and in a manner that is consistent with the following:

- Existing laws, statues and regulations are not violated
- Natural and cultural resources and public safety are not jeopardized
- o Confidentiality, privacy and the public trust are not compromised

This document is offered to aid in the development of data distribution policies and procedures for these organizations.

#### **Purpose of this Data Distribution Policy**

The objective of this policy is to provide a general framework for the distribution of public-record geospatial data collected and maintained by California Executive Branch organizations (e.g., Departments, Offices, Boards, Commissions and Conservancies). It is a guideline, recommending policy for major data distribution issues and consideration of a variety of alternatives. This document is intended to help Executive Branch organizations when adopting a geodata distribution policy or when revising one. Each organization will need to develop its own specific policy that takes into consideration the legal, political, and value propositions of its own jurisdiction and mission.

This model policy is based on work done by the Open Data Consortium (<a href="http://www.opendataconsortium.org/">http://www.opendataconsortium.org/</a>) and reflects the consensus of over sixty participants from city, county, state, and federal government agencies, along with participants from the university and private sectors. The participants represented a wide variety of opinion and experience on the policy issues contained herein. This document is the consensus-based result of their deliberations.

This model policy document reflects the participant's observations that most public agencies have the intention to make public record information easily available and accessible to public agencies, private organizations, and

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individuals, within the full extent that is required and allowed by law, and that is practical, secure and feasible. This policy also recognizes the problems many agencies have in funding the operation and maintenance of their geodata stewardship. It encourages low-cost public access to data, while suggesting alternative methods of supporting GIS operations, thereby reducing the need of agencies to sell their data. For agencies that believe they must sell their data, the recommendations herein suggest methods that avoid unnecessary barriers to public access.

#### **Definitions**

For the purpose of clarity in this policy statement, or in subsequent data Licensing Agreements, the following terms are defined:

Steward – The public agency responsible for the distribution of information used or collected by a public agency or government entity that is deemed to be public record. The data Steward may also be responsible for the collection, maintenance or update of an Agency's data. The Steward may or may not also be the data owner.

Data Owner – The entity that holds the valid copyright for the subject data.

Data Custodian – A synonym for data Steward.

Agency – A synonym for "public agency," "government agency," "regional government," or "local government."

Geospatial Data – The digital, geographic and location-based information, including related attribute records, data files, and metadata that are stored and maintained in the Data Owner's or the Steward's computer systems.

Steward's Data – A synonym for geospatial data.

Geodata – A synonym for geospatial data.

dGI – Digital Geographic Information, a synonym for geospatial data.

Metadata – Information that describes geospatial data, such as the contact person in the data owner's agency, the contents of the dGI database, the data accuracy, projection, currency (date of capture), and format of the data.

GIS – Geographic Information System, the collection of computers, software, databases, and data that enable geospatial data to be received, manipulated, displayed, and distributed.

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Licensee – Any recipient of the Steward's data that has agreed in good faith to the terms of the License Agreement, and is conducting data related activities accordingly.

#### **Assumptions**

This data policy is based upon the following principles and assumptions:

- Public information is a necessary component of the democratic process and open government.
- The full value of geospatial data is realized through its usage.
- Widespread distribution and use of public geodata benefits the data Steward's entire jurisdiction.
- Public agencies increasingly store data electronically, and such digital data constitutes the public record.
- In their roles as data custodians, public agencies have a responsibility to make data available both for citizen access, and to reduce duplication of effort among public agencies in the capture and maintenance of these data.
- Public agencies need funding to develop, maintain, and distribute their data.

The widespread distribution and use of the Steward's data with feedback from data users provides several benefits to the Steward, as well as to the recipients of its data. Such benefits include:

- Reduced cost and effort in compiling needed data
- Reduction in redundant and duplicative data collection efforts
- Usage of a consistent base of information among coordinating agencies or decision makers
- Ability to update and maintain the Steward's information more currently and consistently
- Improvements in the State's economy, environment, and citizen's quality of life through activities that utilize the Steward's geospatial data

Sharing data reduces the cost of data for all participants. Sharing data assures the data will be more comprehensive and consistent beyond that available from any one agency. Sharing data enables authorized participants to contribute

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updates and corrections to the common source of information, enabling the Steward's data to be maintained more efficiently.

The Steward may wish to provide its data for no charge, for minimal charge (the cost of reproduction), or for a fee based on the cost of data maintenance. This decision is the Steward's to make with its constituent Agencies. The recommendations herein seek to assure support for data maintenance and distribution with the least impediment to the public's data access, so as to realize the many benefits that arise from the public's use of public agency data.

#### Support of GIS Operations through Capture of dGI Benefits

This section will probably not apply to most Resource Agency organizations. It is included here for those few situations where revenues are generated.

Some Stewards sell their agency's geospatial data in order to support its GIS operation. While this appears to be a valid approach, it has proven in many cases to actually diminish the benefits of the GIS investment, as well as reduce financial revenues.

The recommended approach is to consider the Steward's geodata as a strategic asset that benefits the Steward directly, and all of the Agency's citizens indirectly. The use of the Steward's data to promote economic development, or to deliver social or public services, improves the general well being of the State. The value of such development and services is far greater than the direct cost of the data. By providing these geodata-based services, and channeling the revenues obtained from their benefits back into the GIS operation, it is possible to support an agency's GIS while providing affordable data access to the public. The more data that are easily available, the more benefits will be realized, and the more financial resources can accrue to the GIS operation. The following examples suggest ways in which the usage of the Steward's geodata can support the operation and maintenance of its GIS operations:

- Allocate a portion of the Agency's increased revenues that have come from increased economic activity and new economic development to GIS, the source of the information that stimulated the economic activity.
- Allocate a portion of the Agency's increased revenues that have come from analysis of under-taxed assessments, or from more accurate determination of facility locations for taxation purposes, to GIS, the source of the locational information and analysis.
- Allocate a portion of the Agency's increased savings that have come from coordinated management of public works facilities and infrastructure, to GIS, the source of the locational information and analysis.

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- Allocate a portion of the Agency's increased savings that have come from deferred purchase of capital equipment or facilities due to geographic analysis of routes and service areas, to GIS, the source of the locational analysis.
- Allocate a portion of the funding from specific programmatic sources, such as Homeland Security emergency preparedness, to data collection and data maintenance services of GIS.
- Allocate support to GIS from specific taxes and fees, such as building or development permits or property transaction fees that rely on the maintenance and update of accurate locational information.

Typically, the types of revenues and savings described above are received directly into an Agency's general fund. Changes to accounting procedures may be necessary to assure that a portion of these revenues and savings get identified and allocated to the maintenance and update of the Agency's geographic information. This data distribution policy recommends that appropriate accounting changes be implemented.

#### **Public Data Consortia**

In an effort to reduce the costs of data collection and maintenance, and to avoid duplication of data activities, some public agencies have agreed to work together as a consortium in which they share data and the costs of maintaining that data. Within the consortium, their public data is "free" and accessible, yet, to outsiders, their public record data is made available only at a fairly high price.

While the reasons for, and benefits from, making the consortium's data available to the public are the same reasons that encourage an individual agency to distribute its data freely, data consortia contend with an additional impediment: the "free rider" problem. The distribution of the data consortium's benefits only to its members conserves that membership. If members thought they could get the data for free, perhaps some would not join the consortium, thereby weakening the consortium's ability to provide the very benefits it seeks foster.

This model policy recommends four strategies to motivate data consortia to make their data more easily accessible to non-members:

 Remember that creating or joining a cost-sharing and data-sharing consortium is more cost-effective than working individually, and that more members increase the benefit to all. Members benefit even if there are some free riders.



- 2. Recognize that the benefits from the wide distribution of data accrue back to the agencies whose geography is the subject of the data. Whether the users are local or remote, the activities that are based on such geodata usually benefit the subject jurisdiction.
- 3. Provide a "sunset date" for low-cost (or no-cost) distribution of the data, after say, 2 or 3 years. That way, consortium members retain the additional benefits of data currency while still enabling others to have affordable public access at some subsequent date.
- 4. Enable non-members to acquire data by paying an update subscription fee (see Update Subscription section, below). This way, regular data users will still contribute to the ongoing operation of the consortium, while one-time data users will be able to acquire the data at an affordable cost.

#### **Legal Authority**

California's Public Records law must govern an individual organization's data policy. Please note the following sections from California's Government Code § 6250 *et seq*:

- § 6251 (d) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- § 6253 (b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- § 6253.9 (1) The agency shall make the information available in any electronic format in which it holds the information. (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. Direct costs of duplication shall include the costs associated with duplicating electronic records.
- § 6254 Exemptions that shall not be construed to require disclosure of records. (See this section for an enumeration of specific exemptions protecting individual privacy and community security)

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#### **Data Recipients**

The Steward intends to make its geospatial data available to all interested parties who agree to the terms of its License Agreement. The Steward reserves the right to differentiate the type of data and data services, as well as the price and the priority for service response, to be provided to each of the following classes of data recipients:

- Value Provider Includes data sharing partners, cost sharing partners, emergency service providers, public agencies that offer services or data in return for using the Steward's data, or agencies whose mission is integral to the Steward's mission. This class is seen as providing value to the Steward in lieu of a data distribution fee.
- Data Redistributor This includes private companies that re-sell the Steward's data, and public agencies that redistribute the Steward's data. The reason for this distinction is to maintain the option to recover a royalty payment back to the custodian from the resale of its data (see the "Data Redistribution" section). Public agencies not interested in such resale recovery may omit this class.
- Data User This category includes all other recipients, including other public agencies, private agencies and private companies that do not redistribute data, nongovernmental and non-profit organizations, educational and research institutions, news media, students, and private citizens. This class may obtain the Steward's data for a fee equal to the cost of distribution, or less.

#### **Data Distribution Methods**

The Steward intends to make its geospatial data available through one or more of the following methods, depending on the availability and capability of its staff, the availability and capability of licensed data re-distributors, and the availability and capability of such internet-based applications as it deems practical and affordable.

Certain distribution methods are available only for data owned by the Steward, or data that the Owner has given the Steward permission to redistribute (identified below as "Steward-Owned").

Certain data features, themes and related attributes that are determined to be confidential for reasons of Agency security, or protection of individual privacy, are excluded from the following distribution methods. The following methods pertain to "public" data availability subject to the other restrictions described under the "License Agreement" section (the Data Steward may list one or more such methods in its policy document):



- a) Copies of the GIS databases in the GIS format used by the Steward (or translated into a specified standard format), to be provided in such electronic output media as the Steward is capable of producing (e.g., CD, tape or disk). [Steward-Owned]
- b) Data distribution through the services of licensed data distributors. The Steward encourages private organizations and other public agencies to obtain copies of its geodata for the purpose of providing copies or custom service products to interested parties who agree to the terms of the Steward's License Agreement. [Steward-Owned]
- c) Copies of the GIS databases in the GIS format used by the Steward (or translated into a specified standard format), to be provided as downloadable files through the Internet. [Steward-Owned]
- d) Read and Write/Update access to authorized data partners, distributed via methods to be determined on a case-by-case basis. [Steward-Owned]
- e) Special requests for information, analysis, or data products that are subsets of the Steward's dGI databases (e.g., custom data services, including data extraction, translation, reformat, or recombination).
- f) Read-only access to the GIS databases (via the internet) through special application programs commissioned by the Steward. These programs will allow selective query and display of the data, but not downloading or copying of the database.

#### **Data Distribution Services and Fees**

While the Agency's GIS department and geodata stewardship need to be as self-supporting as possible, the need is recognized for reducing the impediments to public data accessibly as much as possible. Further, more financial and quality-of-life benefits are likely to accrue to the Agency, and the citizens within its jurisdiction, through the widespread use of its geodata, rather than from the sale of its data.

Accordingly, the Steward is advised that charges to the public for its data be limited to direct distribution costs covering actual staff time and materials for duplication, special data services, and delivery. Optional service fees are suggested for recipients who would like to insure timely data update, and for recipients who intend to resell or redistribute the Steward's data. The purpose of these fees is to support the Steward's services while encouraging Licensees to distribute the Steward's data. The more Licensees there are to distribute the Steward's data, the more benefits will accrue to the Agency and its citizens from the use of that data.



With the exception of the conditions outlined in the Data Redistribution section, data acquired by the Licensee may be used by any of its employees or its agents in performance of their official duties.

# Distribution Services (Copies, Extraction and Reformatting Services, Delivery)

Requests for data products or custom data services will be provided by the Steward according to staff availability. Such requests will be handled as one-time events, on a first-come-first-serve basis. A data distribution fee will be charged for this service to cover the cost of duplication. The fee may include:

- Staff time expended to fulfill the data request, to be billed at a rate determined in a manner consistent with the State Administrative Manual. Fulfillment costs may include the time expended to consult with the requester in order to specify, clarify, and understand the data request.
- Cost of any media or materials consumed in reproducing the data
- Other ancillary direct costs, such as shipping, handling, or renting special equipment to fulfill the request

### Update Subscriptions

For the consideration of an annual subscription fee, regular updates of the Steward's data will be sent to subscribers at the time intervals specified (monthly, semiannual, annual), for all datasets specified in the Licensing Agreement that have been updated or changed since the previous delivery. At the Steward's discretion, the data updates will be delivered as a separate dataset, or as a revised copy of the entire GIS database. Licensee subscribers in good standing do not have to make a special request for data update deliveries.

The Update Subscription fee is based on the datasets requested, and the area of data coverage requested, as delineated in Appendix A, "Data Dictionary." The Fee for Distribution Services will also be charged for the Steward's direct costs.

### Resale Royalty Fee

For the consideration of a resale royalty, the Steward will grant the Licensee the right to sell or redistribute its data to third parties, according to the terms of the License Agreement. The terms include prohibition of the third party data customer from further distribution or sales of the



Steward's data. The resale royalty fee may be based on (a) a percentage of the data distributor's gross revenue from the resale of the Steward's data, or (b) a transaction fee based on the number of sales to third parties, or (c) it may be a single fixed fee.

Payment should be due quarterly on all royalties due and collected during the previous quarter, within 45 days of the end of the quarter. The Licensee shall submit to certified audits at the request of the Steward. The Fee for Distribution Services will also be charged for the Steward's direct costs.

#### **License Agreement**

The following contractual conditions should be considered for both the Agency's data distribution policy and for the subsequent licensing agreement used to implement that policy.

### Control and Security of the Steward's Data

For reasons of public safety and security, and to protect the Steward's intellectual property rights, the Steward requires that all persons or organizations that obtain a copy of all or part of the Steward's data sign and agree to the terms of the Steward's License Agreement. A License Agreement is not necessary for viewing the Steward's data through the public Internet, but a license shall be required to download data through the public Internet.

Third parties that receive the Steward's data through a Licensee shall agree to the same licensing terms as stated herein, and shall sign a similar License Agreement with the Licensee. (See the Data Redistribution section.)

# Copyright

The public agency, Data Owner, or its Steward, asserts its right to regulate the distribution of its data through its claim of ownership as a copyright. In most cases, the data Owner and data Steward are the same entity. In some cases, however, some data files (or themes) may not be owned by the Steward. The data policy and data license documents should include the following assertion regarding data that is owned by the data Owner and managed on behalf of the Owner by the data Steward:

Except for the data files listed below, the data Owner asserts ownership of its data and all its portions. All title, ownership, and intellectual property rights that may exist or be created with the geospatial data shall remain with the Owner.



The arrangement of facts of the geodata, the organizational structure of the GIS databases, the coding of the GIS databases, the format of the GIS databases and the graphic design of its maps are the property of data Owner, as registered and protected by U.S. copyright statutes and treaties.

Listing of data files that are not owned by the data Steward:

(List, as necessary.)

## • Indemnify Demand for Data by Others

If a demand is made to the Steward, or its Licensees, for data which is owned, provided by, or the responsibility of another party, then the Steward shall refer the requester to the data Owner, and shall notify the Owner of the referral. The

Steward shall respond as directed by the data Owner, providing that the Owner agrees to defend, hold harmless and indemnify the Steward's actions.

#### Copyright Notice

All publication, including via the Internet, using any of the Steward's data for release to the public or to others outside the Licensee's organization must include the following notice:

"Copyright, 2003 (or current year), <name of Owner or Steward>"

All publications, including via the Internet, using geographic information derived from the Steward's data and identifiable there from, must include the following notice:

"Derived from data that is Copyright, 2003 (or current year), <name of Owner or Steward>"

#### Disclaimer of Liability

The Steward's geospatial data has been compiled and is being used by the Steward for the express purposes of fulfilling its mandated public duties. The Steward claims all privileges and immunities afforded under the law.

The Licensee accepts the dGI "as is", with no guarantee or warranty of accuracy, currency, completeness, or fitness for any use. The Licensee agrees to accept any and all data from the Steward on an "as is" basis. No



oral or written information or advice given by the Steward shall create a warranty.

While all due efforts will be made to assure that the data conforms to specifications of accuracy and completeness, neither party will make demands on the other if errors or omissions are found. The Licensee waives any and all responsibility of the Steward, explicit or implied, for any damage or liability caused through the use of this data in any way. The Licensee agrees to defend and hold the Steward harmless for any damages of any kind that may be caused by any errors or omissions in the data.

The Steward shall not be liable for any occurrence or activity relating to the dGI, including: lost profits, the fitness of the dGI for a particular purpose, the installation of the dGI, or the results obtained from use of the dGI.

This disclaimer shall survive the termination of the License Agreement.

#### Disclaimer Notice

The Licensee agrees to display the following note on printed maps, digital web pages, or other reproductions utilizing the geospatial data:

"This is not a survey product. The information is derived from the <name of Agency> GIS Databases. The Steward does not assume any liability for damages arising from errors, omissions, or use of this information. Users of this data are advised to be aware of the locational accuracy, data collection dates, compilation methods, and cartographic format. Users are advised to use this data appropriately."

This disclaimer shall apply to any authorized or unauthorized transfer of all or parts of the dGI.

### Privacy and Security Restrictions

Data records, or specific attributes of data records, deemed to be restricted for reasons of privacy protection by the State's public records law, shall not be distributed with the Steward's data. The Steward and its licensees will comply with such restrictions in good faith, and shall provide information regarding appeal of its decisions to any data requester who challenges its decisions.



Some data records or attributes may be provided to certain recipients but not to others, according to restrictions concerning public safety or environmental protection, as defined in the state public records law, orders from the Attorney General, or other legal authorities. The Steward and its licensees will comply with such restrictions in good faith, and shall provide information regarding appeal of its decisions to any data requester who challenges its decisions.

The Steward should list its data resources in the form of a data dictionary (see below) with the restricted data elements designated as "public" (no restrictions), "private" (restrictions to protect individual privacy), or "confidential" (restricted for reasons of community security).

Data that is restricted as "confidential" may be made available to authorized

Emergency Services or Security agencies, with explicit enumeration of authorized users and types of uses permitted. Such sharing among public agencies shall not be interpreted as putting the Agency's data into the public domain.

#### Positive Identification

In consideration of the security needs of the community, applicants for a license to use the Steward's data, or third party recipients of a licensed redistributor, shall be required to provide positive identification of themselves to the Steward, or to the licensed redistributor. Such identification shall be presented in person, via notarized certification, or through such internet-based mechanisms as are deemed secure and verifiable by the Steward. Licensed redistributors shall regularly convey the identity of their customers to the Steward.

The intent of this section is to institute some reasonable measure of responsibility regarding the identity of the data recipients. It is not intended to limit data because of the recipient's identity. The issue of restricting data due to security considerations is currently being studied by the FGDC Homeland Security Working Group, who is considering the balance between effective data security and ease of access for all the many legitimate public uses of the data. The longevity of a terrorist threat vs. the longevity of the data, and the political perception of data husbandry are additional factors being weighed.



#### Database Dictionary

In order to facilitate the exchange or translation of data among different GIS system formats, the Steward shall maintain a current database dictionary describing the contents and structure of its dGI databases. This document may be used both for internal management of the Steward's data resources and to inform data requesters and data Licensees so that they may use the Steward's data effectively.

Database Dictionary contents should include, but not be limited to, themes, layers, and features of mapped elements, and their corresponding key-linking and descriptive attributes. Geographic information should include the spheroid, datum, and epoch of the map projection for themes or layers. The dictionary should also include tables that diagram the contents of data records, the linkages between record types, and the linkages between related databases that store information pertaining to the mapped features.

Some GIS databases automatically embed suitable descriptive information (metadata) into their data files to enable other GIS systems to read and translate the data. Such capabilities should be employed whenever practical. It is recommended that the Steward utilize database standards in structuring and identifying its database contents whenever practical and feasible. Such standards include those published by the Federal Geographic Data Committee (such as the Spatial Data Transfer Standard), the Open GIS Consortium, and the Department of Defense (such as the Spatial Data Standard for Facilities, Infrastructure and the Environment, formerly the Tri-Services Spatial Data Standard)

See <a href="http://www.geo-one-stop.gov/docs/GOS2">http://www.geo-one-stop.gov/docs/GOS2</a> 3Guidance1.1.22.03.html for one such example of a brief database dictionary and metadata specification.

#### Metadata Maintenance

The Steward recognizes and endorses the tenants of the National Spatial Data Infrastructure (NSDI), as promulgated by the U.S. Federal Geographic Data Committee. It is the Steward's intent to compile and maintain metadata describing its geospatial data in a format compatible with NSDI standards (see http://nsdi.usgs.gov/nsdi/ or http://www.fgdc.gov). The Steward will make metadata available through the California Atlas Geospatial Clearinghouse (Cal-Atlas) at <a href="www.atlas.ca.gov">www.atlas.ca.gov</a>. At a minimum, metadata describing mapped themes and features should inform the user of its contents, locational accuracy, source, date of observation (currency), compilation lineage, and owner (if different from the Steward).



The Steward will update and record any changes to metadata pertaining to data updates or additions to the data, for which it is responsible. Licensees of the Steward's data shall update and record any changes to metadata pertaining to data updates or additions to the data for which they are responsible.

This metadata shall be made available to the Steward in a format compatible with the Steward's metadata catalog database.

### • Data Correction and Update

If users of the Steward's dGI detect errors in the data, they shall inform the Steward of such errors in a format compatible with the Steward's data system.

Users of the Steward's dGI that correct errors in the data, or that update the data with more current information, shall make these modifications available to the Steward. These data updates, additions, revisions, or corrections shall be provided in a format compatible with the format from which the data were received from the Steward.

Licensees of the Steward's dGI that create or modify additional themes, layers, features or data elements based on, or in reference to the Steward's data, shall make these additions available to the Steward, provided they are not the exclusive, proprietary interest of the Licensee. These data additions shall be provided in a format compatible with the Steward's data format.

The Licensee assesses these exchanges of data to be of equal value to both parties.

#### Data Redistribution and Third Party License

Recipients of the Steward's data (Licensees) may not redistribute or re-sell the Steward's data to third parties unless they notify the Steward they intend to do so and agree to the relevant terms of the License Agreement, specifically, payment of a resale royalty fee, and the requiring of third party recipients to sign a similar License Agreement protecting the rights of the Steward.

Licensees that sell or distribute the Steward's data to third parties shall obtain their agreement to the same licensing terms as are stated herein. Third parties shall sign a similar License Agreement with the Licensee. Third parties shall not be permitted to redistribute or resell the data unless they sign a License Agreement with the Steward.

#### Derivative Data or Products



"Derivative data or products" shall mean all works created by the Licensee that incorporate all or part of the Steward's data, including, but not limited to, a revision, modification, translation, abridgement, condensation, expansion, collection, compilation, or any other form of, or modification to, the Steward's data.

The Steward retains all rights pertaining to its data, particularly those regarding its redistribution or resale. So long as its data remains an identifiable and extractable subset of the Licensee's data or products, such data or products will be considered "derivative" of the Steward's data. [For example, re-printing the Steward's base maps in a more convenient size, and display format.]

Any portion of the geodata or its derivative products that are modified or merged into another computer file by the Licensee, so as to form a separate entity the original contents of which are unidentifiable and extractable, shall be considered a separate product, free from the provisions of the License Agreement, so long as it is in no way associated with the Steward or Owner. [For example, a hazardous materials storage site suitability map, comprised of data from many agencies, that has been overlaid, merged, and reclassified. Non-derivative products would incorporate the Steward's mapped features with mapped features and descriptive attributes from other sources in such a way that the original data themes or layers are indistinguishable.]

#### Value-Added Services

Licensees are permitted to create application programs that query and analyze the Steward's data and produce specific products there from. These are considered to be value-added services, not subject to the Steward's rights regarding data redistribution. [For example, a map of movie star locations, or, an on-line guide to restaurants.]

#### California Executive Branch Geospatial Data Distribution Policy

#### APPENDIX A, DATABASE DICTIONARY

#### Contents of GIS Databases

For each data theme/layer/feature, indicate its contents, attributes, geographic characteristics, and distribution status (e.g., "public," "private," or "confidential"):

- GIS-based map themes/layers/features
- GIS-based attribute information stored in the GIS-based database
- Data records stored in external databases linked to the GIS map features
- Scanned documents linked to the GIS map features
- Privately owned data (e.g., satellite imagery or digital orthophotos)
- Other themes/layers developed/owned by non-Steward agencies

#### **Contents of GIS Metadata**

For each data theme/layer/feature, include, at a minimum:

- Locational accuracy
- Projection, spheroid, datum, epoch
- Source of data
- Date of observation
- Compilation lineage
- Data owner (if different from Steward)

#### **Data Reproduction Fees**

- List the Steward's staff hourly rates, fully loaded with salary plus overhead
- Listing of fixed costs for materials

# Data Update Subscription Fee for Specific Data Included with Each Specific License Agreement

List specific data themes/features, and the area of coverage

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# **Data Distribution Format**

- Steward's native format
- Steward's web-serving format
- Other standard digital formats possible, on a cost of time and materials basis (for example, .shp or .dxf)